

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTHONY AFFETTO,

Plaintiff,

ORDER

07-cv-630-bbc

v.

FEDERAL BUREAU OF PRISONS,

Defendant.

In an order dated February 29, 2008, I preliminarily enjoined defendant Federal Bureau of Prisons from relying on 28 C.F.R. §§ 570.20 and 570.21 in determining plaintiff Anthony Affetto's eligibility for a transfer to a halfway house. I gave defendant until March 14 to show cause why a permanent injunction should not be issued, explaining that if defendant did not respond by March 14, I would enter judgment in favor of plaintiff and direct the clerk of court to close this case.

Defendant has not responded to the February 29 order. Accordingly, IT IS ORDERED that defendant Federal Bureau of Prisons is PERMANENTLY ENJOINED from relying on 28 C.F.R. §§ 570.20 and 570.21 in determining plaintiff's eligibility for transfer to a halfway house. Instead, defendant must determine plaintiff's eligibility using the factors

listed in 18 U.S.C. § 3621(b). The clerk of court is directed to enter judgment in favor of plaintiff and close this case.

Entered this 20th day of March, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge